IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 12540 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT - Petitioner(s)

Versus

VINODBHAI RAVJIBHAI RABARI - Respondent(s)

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Appearance :

GOVERNMENT PLEADER for Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 28/11/2005

ORAL JUDGMENT

1. By way of this petition, the petitioner has challenged the award dated 24.07.2000 passed by the Labour court, Navsari in reference (LCN) No. 231/87

whereby the Labour Court has directed the petitioner to reinstate the respondent on his original post.

2. The brief facts of the case are that the respondent was working as a daily wager in the petitioner department since 01.09.76. On 01.04.84 the respondent was discharged from service without giving any notice or notice pay. The respondent raised industrial dispute which was in turn referred to the Labour Court for adjudication. The Labour Court passed the aforesaid award.

3. Learned counsel for the petitioner contended that the respondent was working as Rojamdar workman for the purpose of repair of canal work which was not continuous in nature. He further contended that the respondent had left the job on his own accord w.e.f. 01.12.83 and hence the order of the Labour Court is required to be interfered.

4. As a result of hearing and perusal of records, I am of the opinion that reinstatement was granted for breach of Section 25(G) and (H). In that view of the matter, order of reinstatement on the original post is confirmed. However, it is made clear that continuity is given only

for the purpose of granting benefits under the Government resolution. No monetary benefit will be granted to the respondent. Rule made absolute with no order as to costs.

(K.S. JHAVERI, J.)

Divya//